

**Sixty - Eighth  
Conference of  
the  
Sixth Judicial  
Circuit  
of the  
United States**

**May 7 - 10 , 2008**

**Marriott Chattanooga  
Convention Center  
Chattanooga,  
Tennessee**

**2008 SIXTH CIRCUIT  
JUDICIAL CONFERENCE**

**MAY 7-10, 2008**

**Marriott Chattanooga Convention Center  
Chattanooga, Tennessee**

**28 U.S.C. § 333**

*Judicial Conferences of Circuits*

*The Chief Judge of each circuit may summon biennially, and may summon annually, the circuit, district, and bankruptcy judges of the circuit, in active service, to a conference at a time and place that he designates, for the purpose of considering the business of the courts and advising means of improving the administration of justice within such circuit. He may preside at such conference, which shall be known as the Judicial Conference of the Circuit.*

*Every judge summoned may attend.*

*The court of appeals for each circuit shall provide by its rules for representation and active participation at such conference by members of the bar of such circuit.*

*See Rule 205 of the United States Court of Appeals for the Sixth Circuit.*

**2008 SIXTH CIRCUIT  
JUDICIAL CONFERENCE**

*The Honorable Danny J. Boggs  
Chief Judge*

***Standing Committee on the  
Sixth Circuit Judicial Conference***

The Honorable Jennifer Coffman, Chair  
The Honorable John M. Rogers  
The Honorable Jeffrey S. Sutton  
The Honorable Deborah L. Cook  
The Honorable Robert H. Cleland  
The Honorable Curtis L. Collier  
The Honorable Bernice Bouie Donald  
The Honorable Aleta Arthur Trauger  
The Honorable Algenon L. Marbley  
The Honorable David M. Lawson  
The Honorable Jack Zouhary  
The Honorable Randolph Baxter  
The Honorable James D. Moyer  
Douglas C. Ballantine, Esq.  
John David Cole, Esq.  
G. Wilson Horde, Esq.  
Harold Pope, Esq.  
Thomas R. Schuck, Esq.

***Life Member Committee***

John David Cole, Esq., Chair  
Douglas C. Ballantine, Esq.  
Joseph T. Dattilo, Esq.  
W. Mack Faison, Esq.  
C. Bradford Foster, III, Esq.  
G. Wilson Horde, Esq.  
Thomas R. Schuck, Esq.  
Miriam Siefer, Esq.  
Peter A. Smit, Esq.  
Hilary S. Taylor, Esq.  
John A. West, Esq.  
Thomas A. Wiseman, III, Esq.

## ***REGISTRATION/INFORMATION DESK***

The Registration/Information Desk will be located on the Second Floor of the Marriott Hotel in the Plaza Ballroom Mezzanine

Wednesday, May 7	8:00 am-6:00 pm
Thursday, May 8	7:00 am-2:00 pm
Friday, May 9	7:00 am-12:30 pm
Saturday, May 10	7:30 am-11:00 am

## ***HOTEL INFORMATION***

The Marriott Hotel is connected to the Chattanooga Convention Center via the Second Floor Mezzanine.

## ***MESSAGES***

Messages may be picked up at the registration/information desk. Please check the bulletin board after each session.

## ***CONTINENTAL BREAKFASTS***

On Thursday, Friday and Saturday mornings a continental breakfast will be available in the First Floor Lobby of the Chattanooga Convention Center at 7:00 A.M.

## ***CONTINUING LEGAL EDUCATION***

Continuing Legal Education Credits for attendance at the Conference will be sought from the Kentucky, Ohio and Tennessee Bar Associations. Information regarding the number of credit hours will be available at the Registration/Information Desk.

# JUDICIAL CONFERENCE PROGRAM

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**WEDNESDAY, MAY 7, 2008**

**8:00 A.M. to 6:00 P.M.**

## **Registration/Information Desk**

Plaza Ballroom Mezzanine  
Second Floor, Marriott Hotel

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**8:30 A.M. Meeting of Library Committee**

East Room  
Second Floor, Marriott Hotel

**10:00 A.M. Meeting of the Sixth Circuit  
Judicial Council**

Tennessee River Room  
First Floor, Marriott Hotel

**10:00 A.M. Meeting of the Sixth Circuit  
Advisory Committee on Rules**

Plaza Ballroom A  
Second Floor, Marriott Hotel

**12:00 P.M. Luncheon for Circuit,  
District, Bankruptcy and  
Magistrate Judges**

Plaza Ballrooms B & C  
Second Floor, Marriott Hotel

**1:00 P.M. Executive Session of  
Circuit, District, Bankruptcy  
and Magistrate Judges**

Plaza Ballrooms B & C  
Second Floor, Marriott Hotel

## **WEDNESDAY, MAY 7, 2008 (Continued)**

- 2:00 P.M.      Court of Appeals  
Administrative Meeting**  
Tennessee River Room  
First Floor, Marriott Hotel
- 2:00 P.M.      District Judges' Meeting**  
Plaza Ballrooms B & C  
Second Floor, Marriott Hotel
- 2:00 P.M.      Bankruptcy Judges' Meeting**  
Plaza Ballroom A  
Second Floor, Marriott Hotel
- 2:00 P.M.      Magistrate Judges' Meeting**  
West Room  
Second Floor, Marriott Hotel
- 6:30 P.M. to  
7:30 P.M.      Opening Reception**  
North Rotunda  
Chattanooga Convention Center

**THURSDAY, MAY 8, 2008**

**7:00 A.M. to 2:00 P.M.**

**Registration/Information Desk**

Plaza Ballroom Mezzanine  
Second Floor, Marriott Hotel

**Note: A continental breakfast will be  
available in the first floor lobby of the  
Chattanooga Convention Center  
at 7:00 A.M.**

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Ballrooms H & I  
Chattanooga Convention Center

**8:30 A.M. to**

**8:45 A.M.      Opening and Welcoming  
Remarks**

The Honorable Danny J. Boggs  
Chief Judge of the Sixth Circuit

**8:45 A.M. to**

**10:15 A.M.    Plenary Session**

**Supreme Court Update**

The Honorable Jennifer B. Coffman  
Chief Judge, Eastern District of Kentucky  
Presiding

**Panelist:**

Erwin Chemerinsky, Esq.  
Alston & Bird Professor of Law  
and Professor of Political Science  
Duke University School of Law  
Durham, North Carolina

## **THURSDAY, MAY 8, 2008 (Continued)**

**10:15 A.M. to**

**10:30 A.M. Coffee Break**

**10:30 A.M. to**

**12:30 P.M. Plenary Session**

Ballrooms H & I

Chattanooga Convention Center

### **“The Federalization of Election Law”**

The Honorable Algenon Marbley

United States District Judge

Southern District of Ohio

Presiding

David Boies, Esq.

Boies, Schiller and Flexner LLP

Armonk, New York

Moderator

### **Panelists:**

Bradley A. Smith, Esq.

Professor of Law

Capital University Law School

Columbus, Ohio

Edward B. Foley, Esq.

Director, Election Law @ Moritz

Robert M. Duncan/Jones Day

Designated Professor of Law

The Ohio State University

Moritz College of Law

Columbus, Ohio

**12:30 P.M. Adjournment**

## **THURSDAY, MAY 8, 2008 (Continued)**

**6:30 P.M. to**

**9:00 P.M.      Life Members Reception at  
The Tennessee Aquarium**

One Broad Street, Chattanooga, TN

Transportation available at the  
Chattanooga Convention Center on  
Carter Street at 6:00 P.M.

**FRIDAY, MAY 9, 2008**

**7:00 A.M. to 12:30 P.M.**

**Registration/Information Desk**

Plaza Ballroom Mezzanine  
Second Floor, Marriott Hotel

**Note: A continental breakfast will be  
available in the first floor lobby of the  
Chattanooga Convention Center  
at 7:00 A.M.**

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**7:00 A.M. Chief District Judges' Breakfast**  
Signal Mountain Suite  
Third Floor, Marriott Hotel

**8:30 A.M. to  
10:45 A.M. Plenary Session**  
Ballrooms H & I  
Chattanooga Convention Center

**The Jimmy Hoffa Trial**

The Honorable Harry S. Mattice, Jr.  
United States District Judge  
Eastern District of Tennessee  
Presiding

John Seigenthaler  
Founder First Amendment Center  
and Chairman Emeritus of  
*The Tennessean*  
Moderator

**FRIDAY, MAY 9, 2008 (Continued)**

**The Jimmy Hoffa Trial  
(Continued)**

**Panelists:**

James F. Neal, Esq.  
Neal & Harwell, PLC  
Nashville, Tennessee

Marvin B. Berke, Esq.  
Berke, Berke & Berke  
Chattanooga, Tennessee

Charles J. Gearhiser, Esq.  
Gearhiser, Peters, Lockaby,  
Cavett & Elliott, PLLC  
Chattanooga, Tennessee

Video Presentation  
Panel Discussion  
Questions and Discussion

**10:45 A.M. to  
11:00 A.M. Coffee Break**

**11:00 A.M. to  
12:30 P.M. Breakout Sessions**

**1. Appellate Advocacy**  
Ballroom J  
Chattanooga Convention Center

The Honorable Jeffrey S. Sutton  
United States Circuit Judge  
Sixth Circuit Court of Appeals  
Presiding

**Breakout Sessions (Continued)**

**1. Appellate Advocacy**  
(Continued)

Chad A. Readler, Esq.  
Jones Day  
Columbus, Ohio  
Moderator

**Panelists:**

The Honorable Paul D. Clement  
Solicitor General of the United States  
Washington, D.C.

The Honorable Bill Marshall  
Solicitor General of Ohio  
Columbus, Ohio

Miriam Siefer, Esq.  
Chief Federal Defender  
Legal Aid and Defender Association  
Detroit, Michigan

**2. Sentencing**  
Plaza Ballroom A  
Second Floor, Marriott Hotel

The Honorable Paul D. Borman  
United States District Judge  
Eastern District of Michigan  
Moderator

**Panelists:**

Michael Horowitz, Esq.  
Cadwalader, Wickersham & Taft, LLP  
Washington, D.C.

**2. Sentencing**  
(Continued)

Douglas A. Berman, Esq.  
William B. Saxbe Designated  
Professor of Law  
The Ohio State University  
Columbus, Ohio

Craig Morford, Esq.  
Acting United States Deputy  
Attorney General  
United States Department of Justice  
Washington, D.C.

Mariah Wooten, Esq.  
First Assistant Federal Public Defender  
Nashville, Tennessee

**3. Bankruptcy**  
East West Room  
Second Floor, Marriott Hotel

The Honorable Jeffery Hopkins  
United States Bankruptcy Judge  
Southern District of Ohio  
Moderator

**Panelists:**

Robert Manning, Ph.D.  
Research Professor of Consumer Finance  
Rochester Institute of Technology  
Rochester, New York

**4. Employment Law**  
Plaza Ballroom C  
Second Floor, Marriott Hotel

The Honorable David M. Lawson  
United States District Judge  
Eastern District of Michigan  
Moderator

**Panelists:**

Kathleen L. Bogas, Esq.  
Eisenberg & Bogas PC  
Bloomfield Hills, Michigan

Edward G. Phillips, Esq.  
Kramer Rayson, LLP  
Knoxville, Tennessee

**12:30 P.M. Adjourment**

***FRIDAY, MAY 9, 2008 (Continued)***

**6:30 P.M. to**

**7:30 P.M.**

**Reception**

North Rotunda

Chattanooga Convention Center

**7:30 P.M.**

**Banquet**

Ballrooms E, F & G

Chattanooga Convention Center

**Presiding:**

The Honorable Danny J. Boggs

Chief Judge

Sixth Circuit Court of Appeals

**Remarks:**

The Honorable John Paul Stevens

Sixth Circuit Justice

United States Supreme Court

**Speaker:**

The Honorable Howard H. Baker, Jr.

Former U.S. Senator from Tennessee, Chief of Staff  
to President Ronald Reagan

Ambassador to Japan

**SATURDAY, MAY 10, 2008**

**7:30 A.M. to 11:00 A.M.**

**Information/CLE Desk**

Plaza Ballroom Mezzanine  
Second Floor, Marriott Hotel

**Note: A continental breakfast will be  
available in the first floor lobby of the  
Chattanooga Convention Center  
at 7:30 A.M.**

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**9:00 A.M. to  
11:00 A.M. Breakout Sessions**

**Sixth Circuit Court of Appeals**

Tennessee River Room  
First Floor, Marriott Hotel

**Chattanooga Convention Center**

**Eastern & Western Districts of Kentucky**  
Meeting Room 7

**Eastern District of Michigan**  
Meeting Room 8

**Western District of Michigan**  
Meeting Room 9

**Northern District of Ohio**  
Meeting Room 10

**Southern District of Ohio**  
Meeting Rooms 16 & 17

**Eastern District of Tennessee**  
Meeting Room 2

**Middle District of Tennessee**  
Meeting Room 11

**Western District of Tennessee**  
Meeting Room 3

**11:00 A.M. Adjournment**

**THURSDAY, MAY 8, 2008**

**Guest Tours**

**Transportation available at the Chattanooga  
Convention Center on Carter Street at 8:45  
A.M.**

*9:15 A.M. - 11:45 A.M.*

*Tour of the Southside of Chattanooga*

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**Transportation available at the Chattanooga  
Convention Center on Carter Street at 12:30  
P.M.**

*1:00 P.M. - 5:30 P.M.*

*Tour of the Chickamauga Battlefield  
(Lunch Included)*

*1:00 P.M. - 5:45 P.M.*

*Golf at The Honors Course*

*1:00 P.M. - 5:45 P.M.*

*Golf at the Chattanooga Golf and Country  
Club*

*1:00 P.M. - 3:30 P.M.*

*Tennis at the Manker Patten Tennis Center*

**FRIDAY, MAY 9, 2008**

**Guest Tours**

**Transportation available at the Chattanooga Convention Center on Carter Street at 8:30 A.M.**

*9:00 A.M. - 11:30 A.M.*

*Tour of Chattanooga's Bluff View Art District,  
The Houston Museum of  
Decorative Arts, and the Hunter  
Museum of American Art*

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**Transportation available at the Chattanooga Convention Center on Carter Street at 12:30 P.M.**

*1:00 P.M. - 3:15 P.M.*

*Lunch aboard the Southern Belle Riverboat  
and Optional Riverboat Ride*

*1:00 P.M. - 5:30 P.M.*

*Golf at the Chattanooga Golf and Country  
Club*

*1:00 P.M. - 3:30 P.M.*

*Tennis at the Manker Patten Tennis Center*

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**Transportation available at the Chattanooga Convention Center on Carter Street at 1:30 P.M.**

*2:00 P.M. - 5:00 P.M.*

*Tour of Rock City*